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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Defendant,

Defendant.

Case No. Case Number

ORDER RE CRIMINAL TRIAL

The above matter is set for trial before the Honorable Percy Anderson, Courtroom
No. 15, United States Courthouse.

PRE-TRIAL AND TRIAL DATES

1. Pretrial motions shall be filed on: _____
Oppositions shall be filed on: _____
Replies (optional) shall be filed on: _____
Status Conference/Hearing is set for: _____ at 3:00 p.m.
Trial is set for Tuesday at 9:00 A.M. on: _____
2. All pleadings shall be served personally on opposing counsel or faxed to
opposing counsel no later than 4:30 p.m. on the day of filing.

3. Counsel are ORDERED to serve conformed courtesy copies of all motions, oppositions and replies directly to Chambers at the United States Courthouse, 312 North Street, Courtroom 15, Los Angeles, California 90012 by 5:00 p.m. (PST) on the day of filing.

4. Counsel are ORDERED to list their facsimile transmission numbers along with their address and telephone numbers on all papers submitted to the Court in order to facilitate communication by the Court.

DISCOVERY & NOTICE

5. Counsel for the government and counsel for defendant shall comply promptly with discovery and notice pursuant to Fed. R. Crim. P. 12, 12.1, 12.2, 12.3, 15, and 16. Upon government counsel's discovery of any evidence within the scope of Brady v. Maryland, 373 U.S. 83 (1963), such evidence shall be produced forthwith to counsel for the defendant. Counsel for the government shall also disclose to counsel for defendant the existence or non-existence of: (1) evidence obtained by electronic surveillance; and (2) testimony by a government informer.

TRIAL

6. Counsel for the government shall file with the Court in camera (under seal) all statements of all witnesses to be called by the government in its case-in-chief. Such statements shall be filed at least five (5) calendar days before trial.

7. Counsel shall arrive at the Courtroom promptly on the first day of trial.

8. Counsel for the government shall present the Courtroom Deputy with the following documents on the first day of trial:

a. THREE copies of the government's witness list.

b. THREE copies of the government's exhibit list in the form specified in Local Rule 9.9 (Civil).

c. ALL of the government's exhibits, with official exhibit tags attached and bearing the same number shown on the exhibit list. Defendant's counsel does not have to deliver his or her exhibits to the Courtroom Deputy on the first day of trial; however,

1 Defendant's counsel is responsible for affixing completed exhibit tags with the case name
2 and case number to his or her exhibits which are intended to be used in the defendant's case.
3 Exhibit tags can be obtained from the receptionist in the main Clerk's Office, located at 312
4 North Spring Street, Room G-8. Exhibits shall be numbered 1, 2, 3, 4, etc., NOT 1.1, 1.50
5 etc. If a blow up is an enlargement of an existing exhibit, it shall be designated with the
6 number of the original exhibit followed by an "A". Counsel for the government should be
7 aware that the Court will order that exhibits such as firearms, narcotics, etc., remain in the
8 custody of the agents during the pendency of the trial. The agent will be required to sign the
9 appropriate form in order to take custody of such exhibits. It shall be the responsibility of
10 the agents to produce said items for court, secure them at night and guard them at all times
11 while in the courtroom.

12 d. A bench book containing a copy of all exhibits that can be reproduced.
13 Each exhibit shall be tabbed with the exhibit number for easy referral. Defendant's counsel
14 shall provide the Court with a copy of their exhibits as they are introduced during trial.

15 e. A floppy disk containing the exhibit list. A copy of the exhibit list with
16 all admitted exhibits will be given to the jury during deliberations. Government and defense
17 counsel shall review and approve the exhibit list with the Courtroom Deputy prior to it being
18 given to the jury.

19 9. If counsel need to arrange for the installation of their own additional equipment,
20 such as video monitors, overhead projectors, etc., notify the Courtroom Deputy no later than
21 4:30 p.m. two days BEFORE trial so that the necessary arrangements can be made.

22 10. Trials commence on Tuesday at 9:30 a.m. Trials are conducted Tuesday through
23 Friday from 9:30 a.m. to 5:00 p.m., with two fifteen (15) minute breaks normally at
24 10:00 a.m. and 3:00 p.m., and a lunch recess from 12:00 p.m. to 1:30 p.m.

25 11. The Court reserves the time from 9:00 a.m. to 9:30 a.m. to handle legal and
26 administrative matters outside of the presence of the jury. The trial before the jury will
27 commence promptly at 9:30 a.m. Counsel is urged to anticipate matters which may need
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1 discussion or hearing outside of the presence of the jury and to raise them during this period,
2 during breaks or at the end of the day.

3 **JURY INSTRUCTIONS & VERDICT FORMS**

4 12. Jury instructions in the form described below in ¶ 13 are to be submitted not
5 later than the Wednesday of the week prior to trial. Counsel need only submit proposed
6 SUBSTANTIVE instructions, the Court will propound its own general instructions and will
7 essentially follow the format set out in the Model Criminal Jury Instructions for the Ninth
8 Circuit (West Publishing, latest edition). In those cases where a special verdict is desired,
9 counsel shall submit a proposed verdict form with the jury instructions. Counsel shall
10 submit a floppy disk in WordPerfect format containing the proposed joint and disputed
11 instructions.

12 13. The parties must submit JOINT jury instructions and a JOINT proposed verdict
13 form (if a special verdict is desired). In order to produce these joint instructions, the parties
14 shall meet and confer sufficiently in advance of the required submission date with the goal of
15 agreeing upon instructions and verdict forms. The jury instructions shall be submitted as
16 follows: 1) JOINT jury instructions, those instructions which are agreed to by all parties; and
17 2) DISPUTED jury instructions, those instructions propounded by a party to which another
18 party objects. When the parties disagree on an instruction, the party opposing the instruction
19 must attach a short statement (one to two paragraphs) supporting the objection, and the party
20 submitting the instruction must attach a short statement supporting the instruction. Each
21 statement should be on a separate page and should follow directly after the disputed
22 instruction. Objections to disputed instructions shall be filed no later than the Friday before
23 the trial. Each requested jury instruction shall be numbered and set forth in full on a
24 separate page, citing the authority or source of the requested instruction.

25 14. The Court prefers counsel to use the instructions from the Manual of Model
26 Criminal Jury Instructions for the Ninth Circuit, West Publishing, latest edition. Another
27 suggested source is Federal Jury Practice and Instructions, Devitt, Blackmar, Wolff and
28 O'Malley, West Publishing Co., current edition.

1 15. An index page shall accompany all jury instructions that are submitted to the
2 Court. The index page shall indicate the following:

- 3 a. The number of the instruction;
4 b. A brief title of the instruction;
5 c. The source of the instruction; and
6 d. The page number of the instruction.

7 EXAMPLE:

8 Number	Title	Source	Page Number
9 #1	Duty of the Jury	9th Cir. 1.01	1

10 **INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL**

11 16. Counsel are expected to cooperate with each other during trial to insure the efficient
12 and expeditious use of court and juror time.

13 17. Counsel shall not refer to their clients or any witness over 14 years of age by their
14 first names during trial.

15 18. Do not discuss the law or argue the case in opening statements.

16 19. Do not use objections for purposes of making a speech, recapitulating testimony, or
17 attempting to guide the witness. When objecting, state only that you are objecting
18 and the specific legal ground of the objection, e.g., hearsay, irrelevant, etc. The court
19 will not hear arguments on ordinary evidentiary issues. Most unusual or complex
20 evidentiary issues can be foreseen and disposed of in advance; those that cannot
21 ordinarily will be disposed of at the next recess, with the witness retained until the
22 issue is resolved. During the trial, the court will not hold bench or chambers
23 conferences, it is the intention of the court that trial testimony will be presented
24 without interruption for five or six hours each day, and all legal issues of importance
25 must be raised in advance of trial by written noticed motions. If there are any matters
26 Counsel wish to discuss, inform the Courtroom Deputy and the matter can be heard at
27 the next recess or the next day.

1 20. Counsel should not paraphrase the witness' answer into a new question which asks
2 the same thing. For example:

3 (a) Do I understand you to mean that . . .

4 (b) Is it your testimony then that . . .

5 (c) Is it fair to say that . . .

6 (d) Can we assume then that . . .

7 (e) So that I am clear . . .

8 There is no need to hear the testimony of the witness two or three times. In addition having
9 been asked and answered, often these questions are argumentative.

10 21. Counsel are to have their witnesses review all exhibits about which they will be
11 questioned.

12 22. In multi-party cases, Counsel are expected to coordinate their cross-examination. The
13 Court will not permit each party's counsel to repeat previous cross-examination
14 questions.

15 23. Do not allow witnesses either to draw diagrams or put markings on exhibits while the
16 jury is in the box. Diagrams or exhibits should be drawn or marked by the witness
17 before getting to the stand. The witness may then adopt the diagrams and markings
18 and tell the jury what they represent.

19 24. Do not approach the Courtroom Deputy or the witness box without the Court's
20 permission. Please return to the lectern when your purpose has been accomplished.
21 Do not enter the well of the Court without the Court's permission.

22 25. Please rise when addressing the Court, and when the jury enters or leaves the
23 courtroom.

24 26. Address all remarks to the Court. Do not directly address the Courtroom Deputy, the
25 reporter or opposing counsel. If you wish to speak with opposing counsel, ask
26 permission to talk to counsel off the record. All requests to re-read questions or
27 answers, or to have an exhibit placed in front of a witness, shall be addressed to the
28 Court.

- 1 27. While court is in session, do not leave the counsel table to confer with investigators,
2 secretaries, or witnesses unless permission is granted in advance.
- 3 28. When a party has more than one lawyer, only one may conduct the examination of a
4 given witness and only that lawyer may handle objections during the testimony of that
5 witness.
- 6 29. If a witness was on the stand at a recess or adjournment, have the witness back on the
7 stand and ready to proceed when court resumes.
- 8 30. Do not run out of witnesses. If you are out of witnesses and there is more than a brief
9 delay, the Court may deem that you have rested.
- 10 31. Counsel are advised to be on time as the Court starts promptly.
- 11 22. Do not make an offer of stipulation unless you have conferred with opposing
12 counsel and reached an agreement. Any stipulation of fact will require the defendant's
13 personal concurrence and shall be submitted to the Court in writing for approval. A
14 proposed stipulation should be explained to the defendant in advance.

15 Dated: February 21, 2003

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Percy Anderson
UNITED STATES DISTRICT JUDGE
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